

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

April 20, 1998

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| UNITED STATES OF AMERICA, |) | |
| Complainant |) | |
| |) | 8 U.S.C. 1324a Proceeding |
| vs. |) | |
| |) | OCAHO Case No. 98A00041 |
| GFTR CORPORATION, d/b/a |) | |
| FAMILY TABLE RESTAURANT, |) | |
| Respondent |) | |

FINAL DECISION AND ORDER APPROVING CONSENT FINDINGS

On January 16, 1998, complainant, acting by and through the Immigration and Naturalization Service (INS), commenced this action, which arises under the Immigration and Nationality Act, as amended, 8 U.S.C. § 1324a, by having filed a three (3)-count Complaint with the Office of the Chief Administrative Hearing Officer (OCAHO), alleging three (3) illegal hire violations in Count I, nine (9) paperwork violations in Count II and 15 paperwork violations in Count III, for which civil money penalties totalling \$22,604 were sought.

On April 14, 1998, the parties jointly filed a Motion to Approve Consent Findings, together with a fully executed three (3) page document entitled Consent Findings (Settlement Agreement) and proposed Order of Approval of Consent Findings which resolves all issues in the Complaint.

Under the pertinent rule of the OCAHO Rules of Practice and Procedure, 28 C.F.R. §§ 68.14(a)(1), (b) and (c), where the parties have submitted a settlement agreement containing consent findings, the Administrative Law Judge may, if satisfied with its timeliness, form, and substance, accept such agreement by issuing a decision and order based upon the agreed findings.

It is found that the terms of the Settlement Agreement comply with the applicable regulations and are appropriate in timeliness, form, and substance pursuant to 28 C.F.R. §§ 68.14(b) and (c).

It is further found that under the terms of the Settlement Agreement, and pursuant to 28 C.F.R. §§ 68.14(b) and (c):

1. Respondent has withdrawn its request for a hearing on the merits;
2. Respondent admits the allegations of Counts I, II and III of the Complaint and agrees to pay a civil money penalty in the total amount of \$11,262 in the manner set forth in the Settlement Agreement;
3. That respondent shall cease and desist from any further violations of section 274A of the Immigration and Nationality Act, 8 U.S.C. § 1324a;
4. The parties have waived any further procedural steps before the Administrative Law Judge;
5. Each party shall bear its own costs and attorney's fees;
6. The parties have waived any right to challenge or contest the validity of this Decision and Order;
7. The entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the Settlement Agreement, herein incorporated by reference;
8. This Decision and Order shall have the same force and effect as a Decision and Order made after a full administrative hearing; and
9. All motions and requests not previously disposed of are hereby denied.

In view of the foregoing, the parties' Joint Motion to Approve Consent Findings is hereby granted.

Joseph E. McGuire
Administrative Law Judge

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of April, 1998, I have served copies of the foregoing Notice of Acknowledgement to the following persons at the addresses shown, in the manner indicated:

Office of Chief Administrative Hearing Officer
Skyline Tower Building
5107 Leesburg Pike, Suite 2519
Falls Church, Virginia 22041
(original hand delivered)

Dea Carpenter
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536
(one copy sent via regular mail)

Jennie Giambastiani, Esquire
Immigration and Naturalization Service
10 West Jackson Boulevard, Room 610
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Cynthia Castaneda
Acting Legal Technician to
Joseph E. McGuire
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